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Accused Missile Officer Drops Procedure Fight

Defense lawyer F. Lee Bailey told a federal judge yesterday that he and government attorneys have resolved their legal differences in connection with the court-martial proceedings against an Air Force missile officer accused of revealing defense information.

Bailey said that after he met meeting with Assistant U.S. Attorney Royce C. Lamberth, he is dropping a suit challenging the constitutionality of some of the proceedings against 2nd Lt. Christopher Cooke.

Cooke, 25, of Richmond, Va., was part of a four-man Titan missile launch team at McConnell Air Force Base, Kan.

Cooke originally was charged under the military code with making unauthorized visits to the Soviet embassy, but the allegations were broadened to include the charge of revealing defense information.

Air Force officials, who refused to be identified, said the new allegation was that Cooke included infor-

mation about the missiles in a letter to a non-Russian civilian.

Bailey, representing Cooke, filed his legal papers challenging the court-martial proceedings earlier yesterday.

He charged the Air Force with violating Cooke's rights by denying defense lawyers' request for verbatim transcripts of the proceedings; by refusing to grant top-secret clearance to civilian defense lawyers, and by the refusal of two Air Force officials who are likely witnesses to withdraw from their future roles in reviewing the court-martial procedures.

Bailey and Lamberth told U.S. District Judge Louis F. Oberdorfer that the government agreed to provide the verbatim transcripts and the Air Force is providing top-secret clearances for the civilian defense team. Cooke also has an Air Force attorney.

Bailey told reporters that Air Force officials have told him that

the two officers would not be involved in reviewing the court-martial procedures.

Much of the procedural challenge centered on the refusal to withdraw by Gen. Richard Ellis, commander of the Strategic Air Command, and Brig. Gen. C. Claude Teagarden, the judge advocate of SAC.

Bailey said in his legal papers that a major part of Cooke's defense will be that Teagarden promised and Ellis authorized the missile officer complete immunity from prosecution if he cooperated with Air Force investigators.

According to defense lawyers, Cooke gave his full cooperation, but the Air Force reneged on the immunity agreement.

The court martial procedure, which is roughly like a grand jury proceeding, is to reconvene Tuesday at the McConnell base.

The proceedings have been held at Andrews Air Force Base.

Associated Press